**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Public Services – R&S Department – Surprise check conducted by the Anti Corruption Bureau over Sub Registrar Office, Tekkali, Srikakulam District on 26-5-2004 – Disciplinary proceedings initiated against Sri P.Jagan Mohan Rao, former Sr.Asst., and I/c SR, SRO, Tekkali (now Retired) – Regular enquiry conducted – imposed punishment of reduction to lower post i.e., Junior Assistant permanently – Appeal filed – Rejected – Filed OA.No.6803/2010 before the APAT – OA allowed – examined – Show Cause Notice Issued – Representation received – Imposing a penalty of 9% cut in pension permanently – Orders – Issued.

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**REVENUE (VIGILANCE-II) DEPARTMENT**

**G.O.Rt.No.664** **Dated :10-07-2017**

**Read the following:**

1. DIG, R&S, Visakhapatnam Procs.Bo.E2/891/2004-1, dt:19-10-2005.
2. WSD of Sri P.Jagan Mohan Rao, Sr.Asst., dt:Nil through the DR, Vizianagaram.
3. DIG,R&S,Visakhapatnam Procs.No.E2/891/2004,dt:13-2-2006.
4. DR,R&S,Srikakulam & REO Lr.No.E1/628/2004,dt:20-11-2007.
5. DIG, R&S, Visakhapatnam Memo.No.E2/891/2004, dt:28-11-2007.
6. Final Defense of Sri P.Jagan Mohan Rao, Sr.Asst., dt:4-1-2008.
7. DIG,R&S, Visakhapatnam Procs.No.E2/891/2004,dt:15-1-2009.
8. Appeal petition of Sri P.Jagan Mohan Rao, Jr.Asst.,dt:7-10-2009
9. C&IG,R&S, AP., Hyd., Procs.No.Vig.3/15761/09, dt:20-1-2010.
10. Orders of APAT in OA.No.6803/2010, dt:27-2-2013 filed by Sri P.Jagan Mohan Rao, Jr.Asst., (Retd).
11. C&IG, R&S, Lr.No.Vig.3/5007/2013, dt:5-3-2015.
12. Govt., Memo.No.8317/Vig.II(1)/2015-1, dt:30-3-2015 & 5, dt:2-3-2016.
13. D&IG, R&S, A.P.,Vijayawada Lr.No.Vig.3/5007,dt:10-11-2016.
14. Govt., Memo.No.8317/Vig.II(1)/2015-6, dt:6-3-2017.
15. Representation of Sri P.Jagan Mohan Rao, former Sr.Asst., and I/c SR (Retd) dt:11-4-2017.
16. Govt., Lr.No.8317/Vig.II(1)/2015-8, dt:24-5-2017.
17. APPSC Lr.No.466/DC&C/1/2017, dt:17-6-2017.

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**O R D E R:**

Whereas, on credible information that the staff members of the O/o the Sub Registrar, Tekkali, Srikakulam District were indulged in corrupt practices and collecting illegal gratification from the general public who approaches them for Registration of documents and other Registration formalities, a surprise check was conducted by the Anti Corruption Bureau officials on 26-5-2004 and found certain irregularities against Sri P.Jagan Mohan Rao, former Senior Assistant, I/c Sub Registrar, Tekkali, Srikakulam District and others.

2. Government after careful examination of the matter and after following due procedure have directed the Disciplinary Authority to initiate disciplinary proceedings against Sri P.Jagan Mohan Rao, former Senior Assistant & I/c Sub Registrar, Sub Registrar Office, Tekkali for the irregularities noticed by the Anti Corruption Bureau officials during the surprise check over the Sub Registrar, Sub Registrar Office, Tekkali, Srikakulam District on 26-5-2004. The Disciplinary Authority has initiated disciplinary proceedings duly framing the following charges.

Charge-I: That Sri P.Jagan Mohan Rao, S/o Veeresalingam while working as Sub Registrar, Tekkali, he has committed the following

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grave misconduct in as much as he indulged in acts of corruption and collected illegal gratification as Mamools fees from the public through his staff to a tune of Rs.8,496/- on 26-5-2004.

Charge-II: He failed to ensure proper maintenance of records.

Charge-III: He did not declare his personal cash in the personal cash declaration register but found cash of Rs.101/- in his possession on 26-5-2004.

Charge-IV: He failed to maintain the Government cash properly and found excess amount of Rs.35/- from the Government cash on 26-5-2004.

Charge-V: He failed to sign in the attendance register on 26-5-2004 and thus he violated the provisions of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

4. Whereas, in the reference 2nd read above, the Charged Officer has submitted Written Statement of Defense. Having not convinced with the Written Statement of Defense submitted by the Charged Officer, the Deputy Inspector General, Registration & Stamps, Visakhapatnam has appointed District Registrar, Registration & Stamps, Srikakulam as Inquiring Authority in the reference 3rd read above.

5. And whereas, in the reference 4th read above, the Inquiring Authority has submitted report stating that on the basis of documentary and oral evidence adduced in the case before her and in view of the reasons given therein, she hold that all the charges framed against Sri P.Jagan Mohan Rao, Junior Assistant, and in-charge Sub Registrar, Sub Registrar Office, Tekkali were held proved.

6. In the reference 5th read above, the enquiry report has been communicated to the Charged Officer with a request to offer his representation if any on the findings of Inquiring Authority. The Charged Officer has submitted the defense statement and requested to drop all the five charges framed against him in the reference 6th read abvoe.

7. Whereas, the Disciplinary Authority i.e., the Deputy Inspector General, Registration & Stamps, Visakhapatnam after careful examination of the report of Inquiring Authority and the final defense statement of the Charged Officer thereon, agreed with the findings of Inquiring Authority and imposed a punishment of reduction to the lower post i.e., Junior Assistant permanently under Rule 9 (vii) (b) of Andhra Pradesh Civil Services (Classification Control & Appeal) Rules, 1991 in the reference 7th read above.

8. Aggrieved by the above orders, the Charged Officer has filed appeal before the appellate authority i.e., the Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad, in the reference 8th read above with the following grounds.

i) That the enquiry officer failed to follow the procedure laid in Government Memo no.91715/Ser.C/2003, GAD, dated 25-08-2003 and failed to supply the written statement of the other charged employees.

ii) That the disciplinary authority failed to take a comprehensive view while taking into account the totality of the circumstances and the extant of involvement of the charged employee while infecting the punishment as required in U.O. Note No.732/Ser.C/Dept./90-2/GAD, dated 18-12-1990.

iii) That the disciplinary authority failed to observed that the penalty imposed is disproportionate to the seriousness of charges held proved keeping in view of the degree of culpability / seriousness of the lapses held while imposing penalty in common joint inquiries and is excess.

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iv) That the inquiry officer failed to observe that 'Basic' for framing the five articles were not given in the Article of Charge supplied to the charged employee as prescribed under Classification, Control & Appeal Rules.

v) That neither the Inquiry Officer nor the Disciplinary Authority failed to take into consideration and observe that the Surprise visit was conducted by Anti Corruption Bureau Authorities between 5.10 pm till 9.30 pm on 26-05-2004, but the observation proceedings were drafted at 5.20 pm i.e., even completion of surprise proceedings, itself shows that it is preplanned to involve a particular employee.

vi) That the disciplinary authority failed to observe that when the Sub-Registrar's Office Tekkali is located in the middle of town and several Government Offices are there and Tekkali is being a Revenue Head Quarters, what made the Anti Corruption Bureau Authorities to bring a two STOCK witness far from Srikakulam, along with them, and no independent witness attended to the Sub Registrar's Office on 26-05-2004 was examined and cited as witness by Anti Corruption Bureau party.

vii) That the disciplinary authority failed to take into consideration even according to personal cash register all the staff members found excess amount of their personal cash as on 26-05-2004 is a failure on the party of the authority.

viii) That the disciplinary authority failed to observe that the presenting officer appointed must be a senior in service and higher in rank as required in Government Memo No.22/Ser.C/93-3, dated 01-05-1993, whereas in the present enquiry the presenting officer i.e., C.I. though higher in rank but junior in service since the charged employee retired from service and the presenting officer still in service.

ix) That the charge framing officer nor the disciplinary authority ought to have taken into consideration from whose possession excess amount of Rs.8496/- was recovered and who led the Anti Corruption Bureau authorities to the record room.

x) That the disciplinary authority ought to have question the Attender who produced the access amount whether there is any written directions by any higher authority to collect amounts from public as alleged.

xi) That the disciplinary authority failed to consider that the note book produced by 'Surayya' Attender, contains the details in his own hand writing and there are no initials or inscription of the charged employee in the note book.

xii) That the disciplinary authority ought to have taken in to consideration the conflicting evidence of the P.W.3 at one stage that on his observations since two days on the sub-Registrar's Office and at another stage that on a reliable information he received, he made raid on the office is a vague statement.

xiii) That the disciplinary authority failed to observe that the Sub-Registrars Office, Tekkali was inspected by its higher authorities during 2003-2004 and no remarks were passed in inspection notes as in the report of Anti Corruption Bureau, dated. 26-05-2004.

xiv) That neither the charge framing officer nor the disciplinary authority failed to consider though the charged employee forgotten to sign in the attendance register have not absconded from duties but sincerely discharged his duties on 26-05-2004, taking it as a negligible mistake.

9. Whereas, the appellate authority has examined the grounds of appeal and material available on file and confirmed the action of the Deputy Inspector General in levying penalty and accordingly rejected the appeal in the reference 9th read above.

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10. Aggrieved by the said orders, the Appellant filed O.A. No.6803/2010 before Hon'ble Andhra Pradesh Administrative Tribunal. The Hon'ble Andhra Pradesh Administrative Tribunal disposed off the OA and passed the following orders dt:27-2-2013.

> "in view of the facts and circumstances obtaining in this case and for the forgoing reasons, the impugned orders passed by the 2nd respondent i.e., the Commissioner & Inspector General, Registration & Stamps vide Procs.No.Vig.3/14761/2009, dt:20-1-2010 are hereby set aside and the matter is remitted back to the 2nd respondent to consider all the points raised by the applicant in support of his appeal ground as well as the explanation to the disciplinary authority's final show cause notice and pass appropriate orders".

11. In the reference 11th read above, since the applicant Sri P.Jagan Mohan Rao, Junior Assistant, was retired from service on 31-7-2009 on attaining the age of superannuation, the Director & Inspector General, Registration & Stamps has transmitted the proposals to Government for taking necessary action in the matter under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

12. Government have examined the matter and observed that since the Hon'ble Andhra Pradesh Administrative Tribunal while disposing off the OA.No.6803/2010, dt:27-2-2013 filed by the applicant Sri P.Jagan Mohan Rao, former Junior Assistant, (Retired) have set aside the impugned orders passed by the 2nd respondent i.e., the Commissioner & Inspector General, Registration & Stamps vide Procs.No.Vig.3/14761/2009, dt:20-1-2010 and the matter is remitted back to the 2nd respondent to consider all the points raised by the applicant in support of his appeal ground as well as the explanation to the disciplinary authority's final show cause notice and pass appropriate orders, the Director & Inspector General, Registration & Stamps has been requested to examine the case afresh arrive to a decision as directed by the Hon'ble Andhra Pradesh Administrative Tribunal and send proposals to Government, for taking necessary action in the matter in the reference 12th read above.

13. In the reference 13th read above, the Director & Inspector General, Registration & Stamps has stated that an opportunity has been given to the applicant Sri P. Jagan Mohan Rao (Retired) on 11.07.2016 at 11.00 AM to represent his case before this appellate authority and to defend his case and stated that the applicant further filed the following points.

i) Sri P.Jagan Mohan Rao, Junior Assistant [Retired] has filed a case before Hon'ble Andhra Pradesh Administrative Tribunal in O.A. No.6809/2010 was disposed off on 27.02.2013 duly set aside the orders passed in procgs No. Vig.3/14761/2009, dt.20.01.2010 and remit back to consider all the points raised by him.

ii) The appellant has stated that the attender Smt.S.Varalakshmi was also involved in the case and a common enquiry should be conducted as per Rule 24 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules in Government instruction in Memo No.59391/Ser.C/2000-2, GAD (Ser.C) Department, dt:11.01.2001.

iii) The appellant has stated that, while issuing Article of charges of Smt. S.Varalakshmi, who collected the amounts were not shown as witness (Annexure-III).

iv) He further stated that the main accused Smt.S.Varalakshmi, who collected mamools kept in the wooden Almirah and charges were not framed for having collected of Rs.8,496/- from public.

v) The Charged Officer finally submitted that, he has not collected any mamools and the major penalty of reduction to lower stage for a specified period was imposed. The inquiry was already conducted once, then would not be any further enquiry as furnished in the above points.

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14. The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad, who is appellate authority has examined the grounds of appeal and proposed to inflict penalty of stoppage of three Annual Grade increments with cumulative effect against the charged officer since the charges framed against the Accused Officer is held proved.

15. Government, have examined the matter and observed that the appellate authority i.e., the Director & Inspector General, Registration & Stamps has proposed to inflict a penalty of three annual grade increments with cumulative effect against Sri P.Jagan Mohan Rao, former Junior Assistant, (Retired) duly setting aside the earlier orders issued by the Deputy Inspector General, Registration & Stamps, Visakhapatnam in the reference 7th read above i.e., "reduction to the lower post i.e., Junior Assistant, permanently.

16. Government, after careful examination of the matter have observed that since the appellant Sri P.Jagan Mohan Rao, former Junior Assistant, retired from service on 31-7-2009 on attaining the age of superannuation and it is not possible to impose the proposed punishment of three annual grade increments with cumulative effect against a retired employee, therefore, it has been provisionally decided to impose a penalty of 9% cut in pension permanently. Accordingly, a Show Cause Notice has been issued to the Charged Officer with a direction to show cause as to why the proposed punishment should not be imposed against him in the reference 14th read above.

17. In the reference 15th read above, the Charged Officer Sri P.Jagan Mohan Rao, former Senior Assistant & I/c Sub Registrar has submitted representation. Government have examined the matter and observed that the contents putforth by the applicant has already been examined by the appellate authority and observed that he has not putforth any valid grounds. Therefore, it has been decided to confirm the provisional decision i.e., to impose a penalty of 9% cut in pension permanently against Sri P.Jagan Mohan Rao, former Senior Assistant and I/c Sub Registrar (Retired).

18. The Andhra Pradesh Public Service Commission have agreed with the proposal of the Government in the reference 17th read above (copy enclosed).

19. Accordingly, Government, hereby order to impose a penalty of 9% cut in pension permanently against the Charged Officer Sri P.Jagan Mohan Rao, former Senior Assistant, & I/c Sub Registrar, Sub Registrar Office, Tekkali (Retired).

20. The Director & Inspector General, Registration & Stamps, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE, R&S)

To

The Individual (**through** the Director & Inspector General, Registration & Stamps, Eedupugallu, Vijayawada with a request to serve the order on the Charged Officer and furnish the served copy along with dated acknowledgement to Government for record).

The Director & Inspector General, Registration & Stamps, Andhra Pradesh Eedupugallu, Vijayawada, Krishna District,.

**Copy to:**

The Deputy Inspector General, Registration & Stamps, Visakhapatnam.
SF / SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER